

IN THE UNITED STATES DISTRICT COURT
FOR THE MARYLAND, SOUTHERN DISTRICT.

~~DO NOT FILE~~
~~FILED~~

JAN 23 2020

AT GAITHERSBURG
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

DEPUTY

UNITED STATES OF AMERICA

V.

KENNETH WAYNE HART

CRIMINAL

CASE No:

PJM-17-376

RESPONSE TO MOTION
IN LIMINE BY DEFENDANT

COMES NOW, THE DEFENDANT, KENNETH WAYNE HART (HART), PRO SE, HEREBY FILES HIS RESPONSE IN REGARD TO COURT ORDER DATED 01/03/2020, ITEM 10, FOR ECF No. 65, THE GOVERNMENT'S MOTION IN LIMINE PURSUANT TO FED. R. EVID. 412, AS FOLLOWS:

1. THE DEFENDANT IS NOT AN ATTORNEY TO PREPARE HIS RESPONSE EFFECTIVELY.
2. THE DEFENDANT DOES NOT HAVE ANY ACCESS TO CASE DOCUMENTS.

3. THE DEFENDANT FILED A MOTION TO DISMISS THE CASE ON OR ABOUT 1-13-2020.

4. THE DEFENDANT PRAYS TO THIS HONORABLE COURT TO CONSIDER HIS MOTION TO DISMISS PRIOR TO CONSIDERING ANY OTHER MOTION.

IN ADDITION, THE DEFENDANT FILED A MOTION TO DISMISS COURT APPOINTED THIRD ATTORNEY, MR. MICHAEL MONTEMARANO ON OR ABOUT 1-7-2020.

THE DEFENDANT DID NOT YET RECEIVE ANY DOCUMENT IN THAT RESPECT. HOWEVER, MR. MONTEMARANO VISITED THE DEFENDANT AT CDF ON THE MORNING OF 1-17-2020 AND HANDED OVER A LETTER THAT HE SENT TO HONORABLE JUDGE MESSITTE DATED 1-15-2020, WHEREBY HE CONCURRED WITH THE DEFENDANT AND NO OBJECTION TO HIS REMOVAL FROM MY CASE

THE DEFENDANT ALSO WOULD LIKE TO FILE FOLLOWING CASE LAW IN SUPPORT OF MOTION TO DISMISS FILED PREVIOUSLY:

1. SPEEDY TRIAL

A) EVERY DEFENDANT IS ENTITLED TO A SPEEDY TRIAL IN ACCORDANCE WITH FEDERAL CONSTITUTION, 21 E.D. 905

B) CRIMINAL LAW 48 - RIGHT TO A SPEEDY TRIAL. THE FACTORS ARE:

- LENGTH OF DELAY
- REASON FOR DELAY
- ASSERTION OF HIS RIGHT
- PREJUDICE TO DEFENDANT

TO PREVENT OPPRESSIVE PRETRIAL INCARCERATION; MINIMIZATION OF ANXIETY AND CONCERN OF ACCUSED; DESIRE THE POSSIBILITY OF DEFENSE IMPAIR

CRIMINAL LAW 48 - DELAY IN TRIAL.

- DEFENDANT CONFINED IN JAIL PRIOR TO TRIAL IS OBVIOUSLY DISADVANTAGED.
- UNABLE TO LEAD A NORMAL LIFE.
- LENGTHY PRETRIAL DETENTION IS COSTLY FOR THE GOVERNMENT.
- A STATISTICAL STUDY, 39 NYU L RE 631 (1964)
 - DETAINED PERSONS IN PRETRIAL RECEIVES MORE PRISON SENTENCE.
- SEE UNITED STATES V. MANN
291 F SUPP 268 (SD NY 1968)

A SPEEDY TRIAL IS GUARANTEED
THE ACCUSED BY THE SIXTH AMENDMENT
OF THE UNITED STATES CONSTITUTION.

RIGHTS TO SPEEDY TRIAL, SIVA L
REV, 1587, 1619 (1965)

RIGHTS TO COUNSEL

SEE FEDERAL CONSTITUTION 93 L.
ED 137, 2L, ED, 1644, 9L, ED 20,
1260, 18L, ED 20, 1420

RESPECTFULLY SUBMITTED

DATE: 1-17-2020

Kenneth W. Hart

KENNETH WAYNE HART ROSE

DEFENDANT.